

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

SHEILA LEWIS, Individually and on)
behalf of a class of Persons similarly)
situated,)
) Civil Action No.: CV-510-016
Plaintiff,)
)
v.)
)
SCOTBILT HOMES, INC.)
)
Defendant.)

**DEFENDANT SCOTBILT'S REPLY TO PLAINTIFF'S RESPONSE
TO DEFENDANT'S MOTION TO STAY DISCOVERY**

DEFENDANT SCOTBILT HOMES, INC. (hereinafter “Scotbilt”) replies to Plaintiff’s Response to Scotbilt’s Motion to Stay Discovery as follows:

By filing on May 3, 2010, ScotBilt moved this Court to Stay Discovery. [See Dkt. Entry No. 12]. In that Motion, ScotBilt requested that “...the Court stay all discovery until the Court has ruled upon the pending Motion to Dismiss.” [See id. at 3].

By filing on June 17, 2010, Plaintiff responded to ScotBilt’s Motion and requested the Court deny ScotBilt’s Motion. [See Dkt. Entry No. 21].

In the interim, on May 19, 2010 the Court entered an Order granting the Parties Joint Motion for Extension of Time. [See Dkt. Entry No. 17]. That Order states:

[t]he deadline for filing a third-party complaint and the time for conducting a Rule 26(f) Conference are extended until fourteen (14) days after the Court’s ruling on the currently pending Motion to Dismiss (Docket #11) and the Motion to Stay Discovery (Docket #12)...

Id.

Federal Rule of Civil Procedure 26(d)(1) provides in relevant part, “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)...” Accordingly, the Court has already ruled on this issue. As set forth above, by Court Order the time for the Rule 26(f) Conference has been extended to 14 days following rulings on the Motion to Dismiss and Motion to Stay.

CONCLUSION

For the reasons set forth herein as well as the arguments set forth in ScotBilt’s Motion to Stay Discovery, Scotbilt respectfully requests that its Motion to Stay Discovery be GRANTED.

Respectfully submitted, this 1st day of July, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May 2010, I served a true and correct copy of the foregoing Defendant Scotbilt's REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO STAY DISCOVERY, via the Court's CM/ECF system, which will send an electronic notification of such filing to the following counsel of record:

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This 1st day of July, 2010.

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